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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,296

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Diahann Grasty

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DIANHANN GRASTY
511 PENN STREET
CHESTER, PA 19013

EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/735,296

Applicant(s)

GRASTY ET AL.

Examiner

Anne V. Lai

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Following are some examples to show the indefiniteness of the claimed languages:

In claim 1:

The phrase "The interface between the substance ... , that is detected and ... coded." lacks of the object of the word "between";

The phrase "foreign chemical to the human body" may means "hazardous chemical";

The phrase "a transmitter/receiver/satellite any conductor" may means "a transceiver, receiver, satellite or conductor";

The phrase "or what ever is necessary to make this feasible" is indefinite because it does not show what makes the claimed invention distinct from others.

In claims 1, 2, and 5, the " / " between words "color/data/alpha", "numeric/video/midi/audio coded", "transmitter/receiver/satellite", "beeper/cell phone" may be replaced with a " , " (coma).

In claim 4, the phrase "claim all databases necessary" is indefinite because it does not show what makes the claimed invention distinct from others.

In claim 5, the phrase "the use of any chips ... to make this beeper/cell phone feasible" is indefinite because it does not show what makes the claimed invention distinct from others.

In claim 6, the claimed language "claim all relay messaging ... electrical, midi, video, audio, wave including internet" is indefinite because it may means to claim all (existing and future) relay messaging in the world; the applicant may claim "sending message to appropriate people using satellite or cellular network".

Claim 1 recites the limitation "The interface", "the substance", "the human body". There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the interface", "the appropriate database", "the security system". There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the update", "the programmable database" and "the foreign substance". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the system". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "this beeper/cell phone". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "all relay messaging". There is insufficient antecedent basis for this limitation in the claim.

The following is the rejection based on the best understanding of the claimed language.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hunter** [US. 2003/0069002].

In claim 1, Hunter discloses an interface system comprising at least a sensor to detecting toxic chemicals, gas and radiation and at least a transceiver to generating, delivering and disseminating alert notification to a remote station (paragraphs 12-14).

In claim 2, Hunter discloses delivering alert notification to at least a security system based on an emergency knowledge database of users, the notification can be sent via Internet (par. 13, 26, 47).

In claim 3, Hunter discloses the capability of the system to detect and analyze the detected parameters (in par. 21-22, medical parameter is cited, however other detected parameter can be analyzed as well, and a database is inherent for the analyzing a plurality of parameters).

In claim 4, Hunter discloses disseminating emergency notification to great selection of audiences (par. 13) via a plurality of media or communication systems (TV, satellite, telephone, Internet, par. 47) therefore more than one database may be needed (par. 26, 35-36).

In claim 6, Hunter discloses delivering and disseminating emergency messaging via a plurality of communication media and devices (par. 29, 47-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hunter** in view of **Gravila** [CA. 2,418,612].

In claim 5, Hunter does not disclose a cell phone having alarm sensor; Gravila teaches a cell phone having built-in alarm sensor capable of identifying various hazards or potentially dangerous events and appropriately warning the person that may be affected by that event (abstract, figs. 1 and 5). It would have been obvious to an

ordinary skill in the art to integrate the sensor with an alarm sensor for the convenient of the user having a cell phone and sensors in one mobile unit.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lamensdorf discloses an interface device (PDA) that collects the sensed data from chemical, environment sensors and transmits the data to remote facilities and agencies via Internet, cellular and satellite communication systems (abstract, par. 10, 12, 16, 27, 31); database is disclosed (par. 34). [US. 2004/0204048]

Riegelman discloses toxic chemical sensors, event database, detect chemical type and volume (abstract, fig. 1A-1B, par. 16, 17, 19, 21 and 22). [US. 2005/0034075]

Steinthal discloses chemical, radiation, or gas sensors attached to a user ID badge. [US. 7,034,677]

Appelt discloses a system worn by a person for identifying monitoring and evaluating hazardous condition (abstract, par. 65, 72). [US. 2005/0001728]


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AVL
3/7/07



JEFFERY HOFSAAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600